

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA
LAS VEGAS, NEVADA

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	Case No.: 2:13-cr-000414-HDM-PAL
)	
vs.)	
)	MINUTES OF COURT
DAMIEN WILLIAMS,)	
aka Goldie Cage,)	
)	March 19, 2015
Defendant.)	
	/	

PROCEEDINGS: CONTINUED EVIDENTIARY HEARING
RE: [23] MOTION TO SUPPRESS

PRESENT:

THE HONORABLE HOWARD D. McKIBBEN, SENIOR U.S. DISTRICT JUDGE

Deputy Clerk: Paris Rich ECRO: Alana Kamaka

Counsel for Plaintiff: Robert Knief, AUSA

Counsel for Defendant: Thomas Pitaro, CJA

At 8:57 a.m., the Court convenes.

The Court notes this matter is continued from the Evidentiary Hearing previously held on May 15, 2014 and further recites introductory comments to the parties.

DALE JAEGER, Officer, Las Vegas Metropolitan Police Department, remaining under oath, retakes the witness stand and is further examined on direct by Mr. Knief, cross-examined by Mr. Pitaro, examined on redirect by Mr. Knief, examined on re-cross by Mr. Pitaro, and excused.

Mr. Pitaro requests the Court take judicial notice of [113] Order entered in Case No. 3:12-cv-00353-LRH-VPC. Mr. Knief recites objection. **IT IS ORDERED, the Government's objection is overruled.**

The parties rest.

On behalf of the Government, Mr. Knief presents argument.

On behalf of the Defendant, Mr. Pitaro presents argument.

At 10:04 a.m., the Court recites findings of fact and conclusions of law.

IT IS ORDERED, the Defendant's [23] Motion to Suppress is DENIED. IT IS SO ORDERED.

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The Court restates the setting for Jury Trial (3-day estimate) on Tuesday, April 14, 2015 at 9:00 a.m. in Las Vegas Courtroom (to be determined) before Judge Howard D. McKibben.

Mr. Knief confirms the Government will be ready to proceed to Trial on April 14, 2015.

Mr. Pitaro states he will be filing a motion concerning personnel records. The Court and counsel confer. The Court further states that May 19, 2015 would be a potential alternate trial date in this matter.

The Court and counsel further confer regarding the issue of the personnel records of Officer Jaeger. **IT IS ORDERED, to the extent the Government has any records or information, it shall be provided to the Defense for purposes of any further impeachment by the Defense with respect to the Court's ruling in connection with [23] Motion to Suppress.**

Mr. Knief confirms he does not have any of the aforementioned records. The Court states to Mr. Pitaro, that perhaps the information could be subpoenaed through other sources, however, the Court is not inclined to delay the Trial pending the Defenses receipt of this information, as it does not appear to have any bearing on the Trial. Mr. Pitaro confirms he will focus on the April 14, 2015 Trial date and, if there is any issue with respect to the records, he will bring it to the Court's attention immediately.

Pursuant to the discussions held this date, **IT IS ORDERED, the Telephonic Calendar Call set for Wednesday, April 1, 2015 is VACATED.**

The Court and counsel discuss the anticipated Trial schedule and jury seating.

IT IS ORDERED, Proposed Jury Instructions and Proposed Voir Dire remain due on Tuesday, April 7, 2015.

The Court requests counsel to meet and confer on the Proposed Jury Instructions and advises the Court will prepare the general instructions, and counsel shall prepare any specific instructions. The Court will not require a Trial Memorandum in this matter.

The Court addresses the Defendant's custody status and his anticipated restraints at Trial. The Court requests the U.S. Marshal to allow the Defendant to be hands-free and without leg irons. Further, the Court directs the Defendant's counsel to secure appropriate street attire for the Defendant at Trial.

The Defendant is remanded to custody.

At 10:26 a.m., the Court adjourns.

LANCE S. WILSON, CLERK

By: /s/ Paris Rich
Deputy Clerk